

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:14-CR-61-H

No. 4:03-CR-14-H

UNITED STATES OF AMERICA,

v.

EMMANUEL JEROME GARDNER,  
Defendant.

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**ORDER**

This matter is before the court on its own motion. Rule 35(a) of the Federal Rules of Criminal Procedure provides, "Within 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error."

During the oral pronouncement of sentence in both the above-captioned matters, the court made a technical error regarding the pronouncement of credit for time served, incorrectly noting the time for which defendant would get credit against his revocation judgment. In an abundance of caution and in an effort to ensure defendant receives full credit for all time spent in official detention, the court enters this order amending the sentence and directs the judgments in both cases read as follows:

The court recommends the defendant receive credit on the sentence in 4:14-CR-61-1H for time spent in state custody related to the instant offense from January 2, 2014 until September 26, 2014. All remaining time

spent in federal custody will be credited to the  
revocation proceedings in case no. 4:03-CR-14-1H.  
This 12<sup>th</sup> day of January 2017.



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MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
#26